

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Application No. 09/621,691
Attorney Docket No. Q60237

REMARKS

Claims 1-18 are all the claims pending in the application, and claims 1-18 have been examined. The Examiner maintains the rejection of claims 1-18. Specifically, claims 1-8 and 10-17 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Suzuki, U.S. Patent No. 6,256,520 in view of Guerlin et al., U.S. Patent No. 5,870,680 (hereinafter "Guerlin"). Additionally, claims 9 and 18 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Suzuki and Guerlin, further in view of Nounin et al., U.S. Patent No. 5,802,469 (hereinafter "Nounin").

In finding the arguments of Applicant's Response (filed on October 31, 2002) unpersuasive, the Examiner notes that "although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims" (Office Action, page 2). Thus, the Examiner alleges that "the broadest reasonably (sic: reasonable) interpretation of the claim language" implies that the battery low alarm, described in Suzuki at col. 5, lines 4-17, corresponds to the feature of "a notification condition of a circuit state based on information of power supplied to said radio portable terminal and issuing a notification of the notification condition".

Applicant respectfully disagrees. The MPEP provides that during patent examination, the pending claims must be given the broadest reasonable interpretation consistent with the specification. See MPEP § 2111. Applicant respectfully submits that the Examiner has exceeded this limit on permissibly broad claim interpretation for at least the reasons discussed in

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Applicant's Response filed on October 31, 2002. For example, as discussed therein, the Examiner's interpretation of a "circuit state" is inconsistent with Applicant's specification, wherein "circuit state" refers to the state of the circuit between the radio base station 2 and the radio portable terminal 1, which is present in the unit radio area 8 (Applicant's Fig. 1). Thus, given the Examiner's overly broad interpretation of the claims, which is inconsistent with Applicant's specification, Applicant traverses the rejection of claims 1-18.

However, in the interests of expediting prosecution, Applicant amends claims 1 and 10 to explicitly recite a circuit state "between the radio portable terminal and a base station". *See, e.g.*, Applicant's specification at page 1, lines 10-20; page 4, lines 12-17; and page 11, lines 4-6. Applicant respectfully submits that these amendments are not intended to narrow the scope of the original claims, but are rather for precision of language and to explicitly recite within the claim what was believed to have already been implicitly defined therein. Accordingly, these amendments do not foreclose application of reasonable equivalents.

Suzuki fails to teach or suggest the various features of claims 1 and 10. For example and not by way of limitation, Suzuki fails to teach or suggest "a radio portable terminal including a portable terminal section for deciding a notification condition of a circuit state between the radio portable terminal and a base station based on information of power supplied to said radio portable terminal".

As noted in Applicant's Response of October 31, 2002, while Suzuki describes a portable data terminal 30, Suzuki fails to teach or suggest that this portable data terminal decides "a

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notification condition of a circuit state between the radio portable terminal and a base station", as recited in claims 1 and 10. Indeed, the only measurement that Suzuki is concerned with is a voltage of the battery. *See, e.g.*, col. 5, lines 4-9 of Suzuki. By monitoring the voltage of the battery, Suzuki describes notifying a user of a battery exchange time. *See, e.g.*, col. 5, lines 9-17 of Suzuki. Additionally, Suzuki describes that when the voltage of the battery drops during wireless communication through packet transmission, the transmission is temporarily stopped in a state where reception is maintained. *See, e.g.*, Abstract of Suzuki. When an exchange of batteries is ended and a battery voltage is restored, transmission is resumed. *See, e.g.*, Abstract of Suzuki. Maintaining a communication connection during a voltage drop is not the same as "deciding a notification condition of a circuit state between the radio portable terminal and a base station based on information of power supplied to said radio portable terminal".

Consequently, Suzuki also fails to teach and cannot possibly suggest "a portable radio section for receiving the notification of the notification condition and notifying said portable terminal section of the circuit state when the circuit state satisfies the notification condition received from said portable terminal section, said radio portable terminal being operable to connect a radio circuit based on the circuit state of the notification received from said portable radio section to transmit and receive data to and from a server over a radio communication network, a public network and a wire communication network", as recited in claim 1 (*see also* claim 10).

Furthermore, neither Guerlin nor Nounin make up for the aforementioned exemplary deficiencies of Suzuki. Therefore, the amendments to claims 1 and 10 overcome the Examiner's

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rejection of claims 1 and 10. Consequently, the rejections of claims 2-9 and 11-18 are likewise overcome at least by virtue of their dependency.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Billy Carter Raulerson
Registration No. 52,156

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE



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PATENT TRADEMARK OFFICE

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APPENDIX

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

The claims are amended as follows:

1. (Amended) A radio data communication apparatus, comprising:

a radio portable terminal including a portable terminal section for deciding a notification condition of a circuit state between the radio portable terminal and a base station based on information of power supplied to said radio portable terminal and issuing a notification of the notification condition, and a portable radio section for receiving the notification of the notification condition and notifying said portable terminal section of the circuit state when the circuit state satisfies the notification condition received from said portable terminal section;

said radio portable terminal being operable to connect a radio circuit based on the circuit state of the notification received from said portable radio section to transmit and receive data to and from a server over a radio communication network, a public network and a wire communication network.

10. (Amended) A radio data communication method, comprising:

a portable terminal step performed by a radio portable terminal for deciding a notification condition of a circuit state between the radio portable terminal and a base station based on

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information of power supply supplied to said radio portable terminal and issuing a notification of the notification condition;

a portable radio step performed by said radio portable terminal for receiving the notification of the notification condition and notifying the portable terminal step of the circuit state when the circuit state satisfies the condition received from the portable terminal step; and

a connection step performed by said radio portable terminal of connecting a radio circuit based on the circuit condition of the notification received from the portable radio step to transmit and receive data to and from a server over a radio communication network, a public network and a wire communication network.